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PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:		§	
		§	
	Eli SPRECHER et al	§	
		§	
Serial No.:	10/678,160	§	
		§	
Filed:	October 6, 2003	§	Group Art Unit: 1655
		§	
For:	METHODS OF AND COMPOSITIONS FOR MODULATING HAIR...	§	
		§	
		§	Attorney Docket: **26465**
		§	
Examiner: SRIVASTAVA, KAILASH C		§	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

REQUEST TO WITHDRAW PREMATURE FINALITY OF OFFICE ACTION DATED APRIL 9, 2007 (MPEP 706.07(b)

Sir:

In the recently received Office Action dated April 9, 2007, the Examiner, in the Summary Page checked off the box that reads "This action is **FINAL**". The status of the application appears as such as well on the USPTO Public PAIR page.

This status is clearly in error.

The April 9, 2007 Office Action is in response to the Request for Continued Examination (RCE) filed on 8 January 2007, along with amendments to the claims. The April 9, 2007 action cited a new reference and made a completely new rejection based on this new art. The finality of such an action is clearly premature, unwarranted and contrary to MPEP Section 706.07(b).

Withdrawal of the finality of the Office Action dated April 9, 2007 is deemed to be in order and such action is respectfully requested.

Respectfully submitted,

Martin D. Moynihan

Martin D. Moynihan
Registration No. 40,338

Date: April 28, 2007